



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/394,840	09/13/1999	VOLKER BAUM	P99.1620	4964

7590 06/05/2003

SCHIFF HARDIN & WAITE
Patent Department
6606 Sears Tower
Chicago, IL 60606-6473

EXAMINER

SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/394,840

Applicant(s)

BAUM ET AL.

Examiner

Cristina O Sherr

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Appeal Brief filed on 25 March 2003, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Response to Arguments

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Brookner et al (US 5,737,426A).
5. Regarding claim 1 –

Art Unit: 3621

Brookner discloses a method for input of service data into a service device, said service data being available at a data center located remotely from said service device, comprising the steps of providing a memory for service data in a service device and forming in said service device, a status report of memory occupancy by said service data in said memory; establishing a communication between said service device and said data center and transmitting said status report from said service device to said data center; based on said status report and the service data available at said data center, forming recommendations in said data center for a future status of said memory occupancy in said service device; communicating a message from said data center to said service device containing said recommendations; upon receipt of said message at said service device, checking said recommendations in said service device for feasibility; and loading said service data available at said data center into said memory of said service device according to one of said recommendations (Col. 1 ln 60 – col 3 ln 38).

6. Regarding claim 2 –

Brookner discloses a method as claimed in claim 1, wherein the step of providing a memory comprises providing said memory with at least one first memory area in which new service data which will be valid in the future, starting from a conversion date, are to be stored, and a second memory area in which currently valid service data are stored, and wherein the step of establishing a communication comprises checking, in said service device, as to whether a load instruction has been entered into said service device and, if so, establishing said communication with said data center; wherein the

step of forming recommendations comprises recommending storage of said service data in at least one of said first memory areas, and wherein the step of checking said recommendations comprises conducting a check, in said service device, as to the feasibility of storing said service data in at least one of said first memory areas; and wherein said method further comprises forming request data in said service device, requesting said service data, if said check indicates feasibility of storing said service data in at least one of said first memory areas and transmitting said request data to said data center, and forming an error message if said check indicates non-feasibility of storing said service data in any of said first memory areas and transmitting said error message to said data center; and wherein the step of loading said service data comprises, upon receipt of said request data at said data center, transmitting said service data from said data center to said service device and loading said service data, as said new service data, into said one of said first memory areas together with said conversion date; and automatically updating said service device independently of and separated in time from loading said new service data, by transferring said new service data from said one of said first memory areas into said second memory area at said conversion date (Col. 1 ln 60 – col 3 ln 38).

7. Regarding claim 3 –

Brookner discloses a method as claimed in claim 2 wherein said service data available at said data center comprise a plurality of data tables, each data table having a table type and a table description associated therewith, and wherein the step of forming said request data comprises forming request data including one of said table types and one

Art Unit: 3621

of said table descriptions, and wherein the step of forming said recommendations at said data center comprises forming said recommendations in a sequence dependent on the table type and table description contained in said request data and wherein the step of conducting a check comprises checking said recommendations for feasibility in an order determined by said sequence and wherein the step of selecting one of said first memory areas comprises selecting one of said first memory areas recommended in a first of said recommendations in said sequence which is found to be feasible, and wherein the step of loading said service data comprises selectively loading, at a first point in time, at least the data table, and its associated conversion date, corresponding to the recommendation first found to be feasible in said check, and wherein the step of automatically updating said service device comprises periodically determining whether a current date precedes, equals or follows said conversion date and automatically updating said service device if said current date equals or follows said conversion date and continuing operation of said service device with the service data currently stored in said second memory area if said current date precedes said conversion date (Col. 1 In 60 – col 3 In 38).

8. Regarding claim 4 –

Brookner discloses a method as claimed in claim 3 wherein the step of providing a memory comprises providing a memory in said service device with a third memory area and wherein the step of loading said service data comprises loading said conversion date into said third memory area and wherein the step of automatically updating said service device comprises providing an electronic calendar module in said service device

which continuously emits a signal identifying said current date, and periodically comparing said conversion date in said third memory area with said signal from said calendar module (Col. 1 ln 60 – col 3 ln 38).

9. Regarding claim 5 –

Brookner discloses a method as claimed in claim 3 comprising the additional step of providing a calendar module in said service device which emits a signal identifying said current date, and wherein the step of automatic updating comprises automatically requesting said current date from said calendar module (Col. 1 ln 60 – col 3 ln 38).

10. Regarding claim 6 –

Brookner discloses a method as claimed in claim 3 comprising loading said conversion date into a separate memory area of said memory of said service device, separate from said first memory area (Col. 1 ln 60 – col 3 ln 38).

11. Regarding claim 7 –

Brookner discloses a method as claimed in claim 3 wherein said service data comprise postage fee schedule table data, and comprising the additional steps of providing a postage calculator in said service device which calculates a franking value using said postage fee schedule table data; providing a further memory area in said memory of said service device; communicating from said data center to said service device information about new postage fee schedule table data available at said data center and making an entry in said further memory area dependent on said information; generating a load code in said postage calculator and checking if and when said load code has a predetermined relationship to seek entry in said further memory area; switching to a

Art Unit: 3621

load mode and loading said new postage fee schedule table data into said one of said first memory areas if and when said predetermined relationship exists (Col. 1 In 60 – col 3 In 38).

12. Regarding claim 8 –

Brookner discloses a method as claimed in claim 7 wherein the step of communicating information comprises communicating information from said data center about said new postage fee schedule table data comprising a plurality of proposals in a list (Col. 1 In 60 – col 3 In 38).

13. Regarding claim 9 –

Brookner discloses a method as claimed in claim 8 comprising listing a most meaningful proposal first in said list (Col. 1 In 60 – col 3 In 38).

14. Regarding claim 10 –

Brookner discloses a method as claimed in claim 1 wherein the step of loading said service data includes compressing said service data (Col. 1 In 60 – col 3 In 38).

15. Claims 11-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Brookner et al (US 5,737,426A).

16. Regarding claim 11 –

Brookner discloses an arrangement for input of service data into a service device, said service data being available at a data center located remotely from said service device, comprising the steps of a services device having a memory for service data, a computer which forms a status report of memory occupancy by said service data in said memory;

means for establishing a communication between said service device and said data center and for transmitting said status report from said service device to said data center; means for forming recommendations in said data center¹ based on said status report and the service data available at said data center, for a future status of said memory occupancy in said service device; means for communicating a message from said data center to said service device containing said recommendations; upon receipt of said message at said service device, said computer checking said recommendations in said service device for feasibility; said computer loading said service data available at said data center into said memory of said service device according to one of said recommendations; and means in said service device for triggering updating of said service data in said memory at a time separated from loading of said service data into said memory (Col. 1 ln 60 – col 3 ln 38).

17. Regarding claim 12 –

Brookner discloses an arrangement as claimed in claim 11, wherein said memory comprises at least one first memory area in which new service data which will be valid in the future, starting from a conversion date, are to be stored, and a second memory area in which currently valid service data are stored, and wherein said means for establishing a communication comprises means for checking, in said service device, as to whether a load instruction has been entered into said service device and, if so, for establishing said communication with said data center; wherein said means for forming recommendations comprises means for recommending storage of said service data in at least one of said first memory areas; wherein said computer checks said

recommendations by conducting a check, in said service device, as to the feasibility of storing said service data in at least one of said first memory areas; said computer forming request data in said service device, requesting said service data, if said check indicates feasibility of storing said service data in at least one of said first memory areas and transmitting said request data to said data center, and forming an error message if said check indicates non-feasibility of storing said service data in any of said first memory areas and transmitting said error message to said data center; said computer, upon receipt of said request data at said data center, transmitting said service data from said data center to said service device and loading said service data, as said new service data, into said one of said first memory areas together with said conversion date; and said computer automatically updating said service device independently of and separated in time from loading said new service data, by transferring said new service data from said one of said first memory areas into said second memory area at said conversion date (Col. 1 ln 60 – col 3 ln 38).

18. Regarding claim 13 –

Brookner discloses an arrangement as claimed in claim 12 wherein said service data available at said data center comprise a plurality of data tables, each data table having a table type and a table description associated therewith, and wherein said computer forms said request data comprises forming request data including one of said table types and one of said table descriptions, and wherein said means for forming said recommendations at said data center forms said recommendations in a sequence dependent on the table type and table description contained in said request data and

Art Unit: 3621

wherein said computer conducts said check by checking said recommendations for feasibility in an order determined by said sequence and selects one of said first memory areas which is in recommended in a first of said recommendations in said sequence which is found to be feasible, and selectively loads, at a first point in time, at least the data table, and its associated conversion date, corresponding to the recommendation first found to be feasible in said check, and automatically updates said service device if a current date precedes, equals or follows said conversion date and automatically continues operation of said service device with the service data currently stored in said second memory area if said current date precedes said conversion date (Col. 1 In 60 – col 3 In 38).

19. Regarding claim 14 –

Brookner discloses an arrangement as claimed in claim 13 wherein said memory has a third memory area and wherein said computer loads said conversion date into said third memory area, and said service device comprises an electronic calendar module which continuously emits a signal identifying said current date, said computer periodically comparing said conversion date in said third memory area with said signal from said calendar module (Col. 1 In 60 – col 3 In 38).

20. Regarding claim 15 –

Brookner discloses an arrangement as claimed in claim 13 wherein said service device comprises a calendar module which emits a signal identifying said current date, and wherein said computer automatically requests said current date from said calendar module (Col. 1 In 60 – col 3 In 38).

21. Regarding claim 16 –

Brookner discloses an arrangement as claimed in claim 13 wherein said computer loads said conversion date into a separate memory area of said memory of said service device, separate from said first memory area (Col. 1 ln 60 – col 3 ln 38).

22. Regarding claim 17 –

Brookner discloses an arrangement as claimed in claim 13 wherein said service data comprise postage fee schedule table data, and said arrangement comprising a postage calculator in said service device which calculates a franking value using said postage fee schedule table data; a further memory area in said memory of said device; means for communicating from said data center to said service device information about new postage fee schedule table data available at said data center and for making an entry in said further memory area dependent on said information; said postage calculator generating a load code and checking, and informing said computer, if and when said load code has a predetermined relationship to said entry in said further memory area; and said computer switching to a load mode and loading said new postage fee schedule table data into said one of said first memory areas if and when said predetermined relationship exists (Col. 1 ln 60 – col 3 ln 38).

23. Regarding claim 18 –

Brookner discloses an arrangement as claimed in claim 17 wherein said means for information communicates information from said data center about said new postage fee schedule table data comprising a plurality of proposals in a list (Col. 1 ln 60 – col 3 ln 38).

24. Regarding claim 19 –

Brookner discloses an arrangement as claimed in claim 18 wherein said means for communicating information lists a most meaningful proposal first in said list (Col. 1 ln 60 – col 3 ln 38).

25. Regarding claim 20 –

Brookner discloses an arrangement as claimed in claim 11 comprising means compressing said service data (Col. 1 ln 60 – col 3 ln 38).

26. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

28. Gargiulo et al (US 5,745,887) discloses a method and apparatus for remotely charging security features of a postage meter.

29. Eckert, Jr. et al (US 4,097,923) discloses a remote postage meter charging device using an advanced micro computerized postage meter.

Art Unit: 3621

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina O Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on Monday through Friday 8:30 to 5:00.

31. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

32. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

June 2, 2003



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600